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C O N F I D E N T I A L SECTION 01 OF 02 VATICAN 001124

SIPDIS

FOR EUR/WE (MENNUITI), IO/UNP, AND DRL

E.O. 12958: DECL: 03/17/2013

TAGS: [PREL](#) [PHUM](#) [PHUM](#) [VT](#) [VTPREL](#)

SUBJECT: HOLY SEE TO FOCUS ON HUMAN DIGNITY, RELIGIOUS
FREEDOM AT 59TH UNHRC

REF: A. A) SECSTATE 64728

[1](#)B. B) VATICAN 531

CLASSIFIED BY: DEPUTY CHIEF OF MISSION, BRENT HARDT. REASONS: 1.5 (B)
AND (D).

SUMMARY

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[1](#)1. (C) THE HOLY SEE DELEGATION TO THE 59TH UN HUMAN RIGHTS COMMISSION CONVEYED TO EMBASSY ITS WILLINGNESS TO WORK WITH US TO ADDRESS ISSUES OF MUTUAL INTEREST, PARTICULARLY ECONOMIC AND DEVELOPMENT RIGHTS, RELIGIOUS FREEDOM, AND MIGRATION. HOLY SEE DELEGATE TO THE UNHRC, BISHOP DIARMUID MARTIN, SITS ON THE WORKING GROUP ON TRIPS AND PUBLIC HEALTH, AND CAN BE EXPECTED TO PRESS THE HOLY SEE'S POSITION THAT DEVELOPED COUNTRIES MUST SHOW GREATER SOLIDARITY WITH THE POOR. THE HOLY SEE DELEGATION, THOUGH NON-VOTING, IS WILLING TO WORK BEHIND THE SCENES ON COUNTRY RESOLUTIONS, WITH THE PROVISIO THAT SUCH RESOLUTIONS ARE "CONSTRUCTIVE." THEY SPECIFICALLY OFFERED TO WORK WITH US ON THE BELARUS RESOLUTION. END SUMMARY.

AVOIDING POLARIZATION

[1](#)2. (C) POLOFF AND POLINTERN MET MARCH 17 WITH THE HOLY SEE'S DIRECTOR FOR UN ISSUES, MSGR. ETTORE BALESTRERO TO REVIEW THE U.S. POSITIONS ON KEY UNHRC ISSUES AND SOLICIT VATICAN SUPPORT FOR OUR APPROACH. WHILE NOTING THAT THE HOLY SEE DOES NOT VOTE ON THE COMMISSION, BALESTRERO SAID IT TAKES THE COMMISSION'S WORK SERIOUSLY AND WILL ENGAGE ACTIVELY AT THE HRC, BOTH BEHIND THE SCENES AND OCCASIONALLY OPENLY WITH PARTNERS, TO ADVANCE ITS HUMAN RIGHTS AGENDA. THE HOLY SEE'S GENERAL APPROACH AT THE 59TH UNHRC WOULD BE TO SEEK WHAT THEY REGARD AS "CONSTRUCTIVE" HRC RESOLUTIONS THAT OFFER COUNTRIES THE OPPORTUNITY TO "GO STRAIGHT" RATHER THAN SIMPLY

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CONDEMNING AND PUNISHING THEM. BALESTRERO SAID THEY WOULD URGE THE HRC TO BE SENSITIVE TO SIGNALS FROM COUNTRIES TRYING TO DEVELOP, YET NOT FULLY IN LINE WITH HUMAN RIGHTS STANDARDS. BALESTRERO STRESSED SEVERAL TIMES THE HOLY SEE'S WISH THAT THE HRC NOT BECOME POLITICIZED -- A DISTINCT POSSIBILITY GIVEN THE COUNTRIES NOW SITTING ON THE COMMISSION. HE SPECIFICALLY NOTED THE LIBYAN CHAIRMANSHIP AS POTENTIALLY POLARIZING, AND NEEDING CAREFUL TREATMENT TO ENSURE CONSTRUCTIVE OUTCOMES.

AREAS OF COOPERATION

[1](#)3. (C) TURNING TO AREAS FOR POTENTIAL U.S.-HOLY SEE COOPERATION AT THE HRC, MSGR. BALESTRERO FIRST NOTED THAT THE HOLY SEE HAD PROBLEMS WITH THE LANGUAGE OF BEIJING 5, AND THAT WE SHOULD WORK TOGETHER TO INSERT MUTUALLY BENEFICIAL LANGUAGE ON REPRODUCTIVE HEALTH TO THE DRAFT TEXT. SECONDLY, HE EXPLAINED THE HOLY SEE'S DESIRE TO MONITOR CLOSELY THE RESOLUTION ON AIDS FOR LANGUAGE WHICH MIGHT CREATE PROBLEMS FOR BOTH OF US. READING FROM THE DRAFT AGENDA, BALESTRERO LISTED FOUR ADDITIONAL AREAS IN WHICH THE HOLY SEE AND USG COULD COOPERATE: RACISM; GLOBALIZATION AND HUMAN RIGHTS; RELIGIOUS INTOLERANCE AND MIGRATION. AS FOR COUNTRY RESOLUTIONS, HE OFFERED BELARUS AS ONE COUNTRY WHERE THE HOLY SEE DELEGATION WILL TAKE AN ACTIVE ROLE IN NEGOTIATING A RESOLUTION. THOUGH HE ADMITTED THE 2002 BELARUS LAW ON RELIGIONS IS NOT SPECIFICALLY A ROMAN CATHOLIC ISSUE, IT DOES HAVE IMPLICATIONS FOR THE CHURCH IN BELARUS. MOREOVER, THE HOLY SEE IS COMMITTED TO PROMOTING RELIGIOUS FREEDOM

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EVERYWHERE. PRESSED ON THE CUBA RESOLUTION, BALESTRERO NOTED HOLY SEE CONCERNS AT THE LACK OF PROGRESS ON HUMAN AND RELIGIOUS FREEDOM IN CUBA, BUT DID NOT COMMIT TO ACTIVELY

WORKING ON THE RESOLUTION. HE URGED USDEL TO BE IN CONTACT WITH THE HOLY SEE'S PERMANENT OBSERVER, BISHOP DIARMUID MARTIN, AND WELCOMED THE OPPORTUNITY OF FURTHER CONSULTATIONS AND DISCUSSION OF TEXTS OF RESOLUTIONS DURING THE SESSION.

DOHA TRIPS, ECONOMIC, DEVELOPMENT RIGHTS IN FOCUS

14. (C) BALESTRERO SIGNALLED TO EMBOFF'S THE HOLY SEE'S CONTINUING CONCERN THAT THE U.S. WAS BACKING AWAY FROM ITS PREVIOUS STRONG SUPPORT OF THE DOHA DECLARATION ON TRIPS AND PUBLIC HEALTH. POLOFF EXPLAINED THE USG VIEW THAT AT DOHA AGREEMENTS WERE LIMITED TO CERTAIN COMMUNICABLE DISEASE EMERGENCIES IN CERTAIN COUNTRIES, AND THAT A NUMBER OF COUNTRIES NOW APPEARED TO WANT TO EXPAND THE DOHA AGREEMENT BEYOND THE AGREED FRAMEWORK. AS WE HAVE PREVIOUSLY CONVEYED

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ACTION EUR-00

INFO	LOG-00	NP-00	AMAD-00	EVG-00	CIAE-00	INL-00	DODE-00
	DS-00	VC-00	TEDE-00	INR-00	IO-00	LAB-01	VCE-00
	MED-07	NSAE-00	OIC-02	PA-00	SSO-00	SS-00	R-00
	EPAE-00	DSCC-00	PRM-00	DRL-01	SAS-00	/011W	
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FM AMEMBASSY VATICAN
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INFO HUMAN RIGHTS COMMISSION COLLECTIVE PRIORITY
USMISSION GENEVA PRIORITY
USMISSION USUN NEW YORK PRIORITY

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TO THE HOLY SEE (REF B), THE U.S., FAR FROM BACKING AWAY, HAD UNILATERALLY DECLARED A MORATORIUM ON CERTAIN PATENT ENFORCEMENT ACTIONS IN ORDER TO ENSURE IMMEDIATE ACCESS TO CRITICAL MEDICINES FOR THE POOREST COUNTRIES AND CONTINUED TO WORK TO ACHIEVE AN AGREED FRAMEWORK. BALESTRERO INDICATED THAT BISHOP MARTIN, WHO SITS ON THE HRC WORKING GROUP THAT WILL ADDRESS THIS AND OTHER ECONOMIC DEVELOPMENT ISSUES, CONTINUED TO BELIEVE THAT THE USG WAS BACKING AWAY FROM A

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DOHA UNDERTAKING TO ENSHRINE THE TRIPS MORATORIUM IN THE WTO. THE HOLY SEE, BELIEVING THE RIGHT TO MEDICAL CARE IS A CORE HUMAN RIGHT, WILL WORK TO HAVE THE PRINCIPLE MADE PART OF THE WTO FRAMEWORK, HE ADDED.

15. (C) THE HOLY SEE CONTINUES TO REGARD THE RIGHT TO DEVELOPMENT AS A FUNDAMENTAL RIGHT, AND CAN THEREFORE BE EXPECTED TO SEEK TO PUSH THE ENVELOP ON THESE ISSUES FURTHER THAN WE WOULD LIKE TO SEE. BALESTRERO OBSERVED THAT THE U.S. APPEARS TO THE HOLY SEE AT TIMES AS FOCUSING TOO MUCH ON POLITICAL AND CIVIC RIGHTS AT THE EXPENSE OF SOCIAL AND ECONOMIC DEVELOPMENT RIGHTS. POLOFF REITERATED THE U.S. VIEW THAT ECONOMIC AND SOCIAL DEVELOPMENT COULD ONLY TAKE PLACE IN AN ENVIRONMENT WHERE POLITICAL RIGHTS WERE GUARANTEED AND THERE WAS RESPECT FOR THE RULE OF LAW. FURTHERMORE, POLOFF NOTED THAT DEVELOPMENT ISSUES WERE BEST ADDRESSED IN OTHER UN FORA.

HUMAN RIGHTS IN IRAQ

16. (C) IN A BRIEF REVIEW OF THE HUMAN RIGHTS SITUATION IN IRAQ, BALESTRERO CALLED THE HUMAN RIGHTS VIOLATIONS IN THAT COUNTRY "CATASTROPHIC," AND EXPRESSED HIS HOPE THAT THE SITUATION WILL BE SOLVED WITHOUT RESORTING TO VIOLENCE. HE WAS OPEN TO WORKING ON AN EVENTUAL RESOLUTION, WHILE NOTING THAT THE SITUATION IS NOW SO FLUID THAT ALL COUNTRIES WILL HAVE TO BE FLEXIBLE.

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COMMENT

17. (C) THE HOLY SEE IS CLEARLY A WILLING PARTNER ON MOST ISSUES FACING THE UNHRC. THOUGH WE DISAGREE WITH THEIR DESIRE TO ADDRESS ECONOMIC AND DEVELOPMENT RIGHTS IN THIS FORUM, ON OTHER ISSUES BEFORE THE COMMISSION, OUR VIEWS ARE CLOSE AND COOPERATION IS POSSIBLE. BISHOP DIARMUID MARTIN, FORMER SECRETARY OF THE PONTIFICAL COUNCIL FOR JUSTICE AND PEACE (AND 1980'S INTERNATIONAL VISITOR TO THE U.S.), WILL BE A STRONG ADVOCATE FOR CORE HOLY SEE VIEWS IN THE SOCIAL/ECONOMIC REALM AND WILL UNDOUBTEDLY PUSH FOR THOSE ISSUES TO BE ADDRESSED AND 'CONSTRUCTIVELY' RESOLVED AT THIS YEAR'S COMMISSION. (THIS CABLE WAS DRAFTED BY POLITICAL SECTION INTERN MATT TAYLOR).
NICHOLSON

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